

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed April 5, 2006. At the time of the Office Action, Claims 1-5, 7-20, and 22-31 were pending in the Application. Claims 1-5, 7-20, and 22-31 were rejected. Applicants respectfully request reconsideration and favorable action in this case.

Section 102 Rejections

The Office Action rejects Claims 7 and 11-13 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,789,093 issued to Bose ("*Bose*"). Applicants respectfully traverse these rejections for the reasons stated below.

In order to establish a *prima facie* case of anticipation, all the elements of the claimed invention must be found within a single prior art reference. *Dewey & Almy Chemical Co. v. Mimex*, 124 F.2d 986, 52 USPQ 138 (2d Cir. 1942). Applicants respectfully submit that each and every element of Claims 7 and 11-13 is not found within the *Bose* reference.

Claim 7 recites:

A method for making a molded container from a plastic resin, comprising:
extruding a quantity of a plastic resin into a mold;
blowing the plastic resin against the mold to form a molded container;
pressuring and flushing the molded container with an inert gas;
depressuring the molded container; and
releasing the molded container from the mold.

Applicants submit that *Bose* fails to teach, suggest, or disclose each of these elements. For example, *Bose* fails to teach, suggest, or disclose "pressuring and flushing the molded container with an inert gas." Instead, *Bose* merely discloses that "carbon dioxide is preferably used . . . to blow the parison" (col. 4, ll. 57-58) and that a "valve 58 is opened at a predetermined time in the mold cycle as the parison 14 is being extruded to direct carbon dioxide gas into the lower end of the parison to maintain it in an open condition" (col. 3, ll. 12-15). Neither of these, however, has anything to do with "pressuring and flushing the molded container with an inert gas." This is a separate element from "blowing the plastic resin against the mold to form a molded container," and is not disclosed in the *Bose*

reference. For at least this reason, the rejection of Claim 7 is improper. Therefore, Applicants respectfully request that the rejection of Claim 7 be withdrawn.

Claims 11-13 each depend from Claim 7. Therefore, Applicants submit that Claims 11-13 are allowable, for example, for reasons similar to those discussed above with regard to Claim 7. As such, Applicants respectfully request that the rejections of Claims 11-13 be withdrawn.

Section 103 Rejections

The Office Action rejects Claims 1-5, 8-10, 14-20 and 22-31 under 35 U.S.C. §103(a) as being unpatentable over *Bose* in view of U.S. Patent No. 5,648,032 issued to Nelson et al., (“*Nelson*”). Applicants respectfully traverse these rejections for the reasons stated below.

In order to establish a *prima facie* case of obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981 (CCPA 1974). Applicants respectfully submit that each and every element of Claims 1-5, 8-10, 14-20 and 22-31 is not found within the references cited by the Examiner.

Claim 1 recites:

A method for making a molded container from a plastic resin, comprising:
 contacting a plastic resin with an oxygen-depleted atmosphere;
 heating the plastic resin to a temperature at which the plastic resin can be extruded;
 extruding a quantity of the plastic resin into a mold;
 blowing the plastic resin against the mold to form a molded container;
 pressuring and flushing the molded container with an inert gas;
 depressuring the molded container; and
 releasing the molded container from the mold.

Applicants submit that the *Bose-Nelson* combination suggested by the Examiner fails to teach, suggest, or disclose each of these elements. For example, the *Bose-Nelson* combination fails to teach, suggest, or disclose “pressuring and flushing the molded container with an inert gas.” As discussed above with regard to Claim 7, the portions of *Bose* relied upon by the Examiner merely disclose that “carbon dioxide is preferably used . . . to blow the parison” (col. 4, ll. 57-58) and that a “valve 58 is opened at a predetermined time in the mold

cycle as the parison 14 is being extruded to direct carbon dioxide gas into the lower end of the parison to maintain it in an open condition” (col. 3, ll. 12-15). Neither of these, however, has anything to do with “pressuring and flushing the molded container with an inert gas.” This is a separate element from “blowing the plastic resin against the mold to form a molded container,” and is entirely lacking in the references cited by the Examiner. For at least this reason, the rejection of Claim 1 is improper. Therefore, Applicants respectfully request that the rejection of Claim 1 be withdrawn.

Similar to Claim 1, Claims 22 and 28 also recite “pressuring and flushing the molded container with [an] inert gas.” Therefore, Applicants submit that Claims 22 and 28 are allowable, for example, for reasons similar to those discussed above with regard to Claims 1 and 7. As such, Applicants respectfully request that the rejection of Claims 22 and 28 be withdrawn.

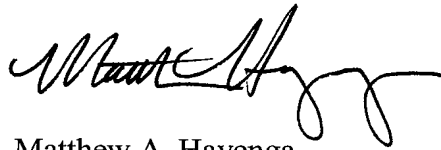
Claims 2-5, 8-10, 14-20, 23-27, and 29-31 depend from Claim 1, 7, 22, and 28. Therefore, Applicants submit that Claims 2-5, 8-10, 14-20, 23-27, and 29-31 are allowable, for example, for reasons similar to those discussed above with regard to Claims 1, 7, 22, and 28. As such, Applicants respectfully request that the rejections of Claims 2-5, 8-10, 14-20, 23-27, and 29-31 be withdrawn.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants believe no fee is due. However, should there be a fee discrepancy, the Commissioner is hereby authorized to charge any required fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicants



Matthew A. Hayenga
Reg. No. 54,156
Phone: (214) 953-6747

Date: May 12, 2006

CORRESPONDENCE ADDRESS:

Customer Number: **05073**
Attorney Docket No.: 076309.0119